

**WAUKESHA COUNTY BOARD OF ADJUSTMENT
SUMMARY OF MEETING**

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, June 28, 2006, at 6:30 p.m. in Room 255/259 of the Waukesha County Administration Center, 1320 Pewaukee Road, Waukesha County Wisconsin, 53188.

BOARD MEMBERS PRESENT: James Ward, Chairman
Robert Bartholomew
Paul Schultz
Walter Schmidt
Darryl Judson

BOARD MEMBERS ABSENT: Walter Tarmann

SECRETARY TO THE BOARD: Mary Finet

OTHERS PRESENT: Town of Merton Board of Adjustment
James and Rhonda Gutenberger, BA06:042, petitioners
Dennis and Rebecca Lutynski, BA06:043, petitioners
Thomas Vavra, BA06:043, architect
Fred Stier, BA06:043,
Paul Sandgren, Forest Superintendent, Kettle Moraine State
Forest - Southern Unit
Teri Wienen, Skipper Marine Development, BA06:045, petitioner
Robert Ford, Ford Construction Co., Inc. BA06:045, contractor
Robert Quadracci, BA06:036, petitioner
Greg Maniaci, Regency Builders, BA06:036, contractor
Len Quadracci, BA06:036
Paul and Nichole Thusius, BA06:040, petitioners

The following is a record of the motions and decisions made by the Board of Adjustment. Detailed minutes of these proceedings are not produced, however, a taped record of the meeting is kept on file in the office of the Waukesha County Department of Parks and Land Use, and a taped copy is available, at cost, upon request.

SUMMARIES OF PREVIOUS MEETINGS:

Mr. Bartholomew *I make a motion to approve the Summary of the Meeting of June 14, 2006.*

The motion was seconded by Mr. Schmidt and carried with three yes votes. Mr. Schultz and Mr. Judson abstained because they were not present at the meeting of June 14, 2006.

NEW BUSINESS:

BA06:042 JAMES AND RHONDA GUTENBERGER

Mr. Schultz *I move to approve the request for variances to permit the construction of*

a 32 ft. x 24 ft. detached garage, subject to the conditions recommended in the Staff Report, with Condition No. 1 modified to read "The footprint of the new garage shall be no larger than 32 ft. x 24 ft."

The motion was seconded by Mr. Judson and carried unanimously.

The staff's recommendation was for denial of a variance to allow a lateral expansion in the floodplain in the C-1 (EFD) Existing Floodplain Development District to permit the existing detached garage to be replaced with a larger detached garage, but approval of variances from the offset, setback from an ingress-egress easement, floodplain setback, and wetland/conservancy setback requirements, to permit the existing detached garage to be replaced with a garage no larger than the existing garage, subject to the following conditions:

1. The footprint of the new garage shall be no larger than the footprint of the existing garage.
2. The new garage shall be located in approximately the same location as the existing garage, but with an offset of at least 15 ft. from the east lot line, as measured to the outer edge of the wall, with an overhang not to exceed two (2) ft. in width.
3. The floor of the new garage must be at an elevation of at least 857.2 ft. above mean sea level, which is one (1) ft. above the 100-year flood elevation.
4. The height of the new garage may not exceed 15 ft., as measured from the floor to the peak of the roof.
5. Prior to the issuance of a Zoning Permit, a complete set of plans for the garage, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
6. Prior to the issuance of a Zoning Permit, a Plat of Survey showing the proposed garage, with the staked-out location of at least two corners of the proposed garage and the floor elevation of the proposed garage, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
7. A "preliminary site evaluation" of the proposed garage and the holding tank must be conducted by the Environmental Health Division. Prior to the issuance of a Zoning Permit, evidence must be submitted to the Planning and Zoning Division staff that the Environmental Health Division has no objection to the proposed garage, and that it meets all required minimum separation distances and would not have an adverse effect on the operation of the holding tank.
8. The area around the new garage shall be filled to an elevation of at least 857.2 ft. above mean sea level, with the fill extending at that elevation for 15 ft. beyond the structure, wherever possible. Where that is not possible, due to lot line or other constraints, the fill shall extend at that elevation as far as possible, without resulting in slope conditions that would adversely affect surface water drainage onto the adjacent property. A detailed grading and drainage plan, showing existing grades and proposed grades, in conformance with this condition, must be prepared by a registered surveyor or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior

to the issuance of a Zoning Permit. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property. The following information must also be submitted along with the grading and drainage plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage. This grading plan may be combined with the Plat of Survey required in Condition No. 6.

9. Upon completion of the foundation for the new detached garage, certification shall be obtained from a registered land surveyor that the floor elevation is in conformance with Condition No. 3. A copy of that certification must be submitted to the Town of Summit Building Inspector and the Planning and Zoning Division staff, prior to proceeding with construction.
10. The property shall be filled in accordance with the approved grading plan. Upon completion of the project, an "as-built" grading plan, showing the finished grades on the property must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff. If that "as-built" grading plan indicates that the property has not been filled in accordance with the approved grading plan, the grades shall be modified as necessary to bring the property into conformance with the approved grading plan.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

Variances require a demonstration that denial of the variance would result in an unnecessary hardship. A hardship has been defined by the Wisconsin Supreme Court as a situation where compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. It has not been demonstrated that denial of a variance to allow a lateral expansion in the floodplain in the C-1 (EFD) Existing Floodplain Development District, to permit the existing detached garage to be replaced with a larger detached garage, would be an unnecessary hardship. Not permitting the new garage to be larger than the existing garage, which is 26.2 ft. x 24.1 ft., is not unnecessarily burdensome. Although it is desirable to replace the existing garage in the 100-year floodplain with a new garage elevated above the 100-year flood level, restricting the footprint of the new garage to no more than the footprint of the existing garage is in the public interest and will limit the impact of the new garage on the flood storage capacity. Further, variances should be granted only to provide the minimum relief necessary for a reasonable use of the property and the requested variance to permit a lateral expansion into the floodplain in the C-1 (EFD) Existing Floodplain Development District exceeds minimum relief. Therefore, the approval of such a variance would not be in conformance with the purpose and intent of the Ordinance.

However, since almost the entire property is within the 100-year floodplain, a new garage could not be located in conformance with the floodplain setback requirement. Therefore, a hardship exists with respect to floodplain setback. Similarly, the location of wetlands to the north and south of the proposed garage site, the location of the holding tank, and the location of the ingress-egress easement create hardships with respect to the wetland/conservancy setback, the offset, and the ingress-egress easement setback requirements. Requiring the new garage to be a minimum of 15 ft.

from the east lot line will facilitate the placement of fill that will be needed to elevate the new garage, as required, one (1) ft. above the 100-year flood level. Therefore, the approval of variances from the floodplain/wetland/conservancy setback requirements, and from the offset and ingress-egress easement setback requirements, with the required conditions, is in conformance with the purpose and intent of the Ordinance.

BA06:043 DENNIS LUTYNSKI

Mr. Schmidt *I move to adopt the staff's recommendation to deny the requested floor area ratio variance, but approve the other requested variances, subject to the conditions set forth in the Staff Report, for the reasons stated in the Staff Report.*

The motion was seconded by Mr. Bartholomew. Following a discussion of the motion, Mr. Bartholomew withdrew his second and Mr. Schmidt amended his motion, as noted below.

Mr. Schmidt *I move to amend my earlier motion and make a motion to approve the requested floor area ratio variance to permit the construction of a 10,840 sq. ft. building and to approve the other requested variances, subject to the conditions set forth in the Staff Report, for the reasons stated in the Staff Report and for the following additional reasons:*

The requested floor area ratio variance is so minimal that its approval would not be contrary to the public interest and approving the requested floor area ratio variance would be in conformance with the purpose and intent of the Ordinance. The facility plan has been carefully designed and thought-out and reducing the size of the proposed building would be a hardship for the applicant. The approval of the requested floor area ratio variance would not impact the environment or have any other adverse impact.

The amended motion was seconded by Mr. Bartholomew and carried unanimously.

The staff's recommendation was for denial of the request for a floor area ratio variance, but approval of variances to remodel a non-conforming structure in excess of 50% of its fair market value and from the commercial kennel offset requirements, subject to the following conditions:

1. The pending Conditional Use and Site Plan /Plan of Operation Permits must be issued, prior to the issuance of a Zoning Permit for the proposed building.
2. Prior to the issuance of a Zoning Permit, the Environmental Health Division must certify that the existing septic system is adequate for the proposed expansion, or a sanitary permit for a new waste disposal system must be issued and a copy furnished to the Planning and Zoning Division staff.
3. The proposed building must be located at least 30 ft. from the side lot lines and at least 50 ft. from the edge of the established road right-of-way (base setback line) of S.T.H. 67, as measured to the

outer edges of the walls, provided the overhangs do not exceed two (2) ft. in width. If the overhangs exceed two (2) ft. in width, the building must be located so that the outer edges of the overhangs conform with the offset and setback requirements.

4. All outdoor kennel runs must be located at least 10 ft. from the side lot lines.
5. A vegetative buffer shall be provided in the area between the outdoor kennel runs and the side lot lines. A detailed Landscape Plan, indicating size, location, and species of proposed plantings, shall be submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit.
6. Prior to the issuance of a Zoning Permit, a complete set of building plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
7. Prior to the issuance of a Zoning Permit, a stake-out survey showing the location of the proposed building and outdoor kennel runs, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
8. If any changes to the existing grade are proposed, a detailed grading and drainage plan, showing existing and proposed grades and any proposed retaining walls, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. This is to ensure the construction of the proposed building does not result in adverse drainage onto the adjacent property. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property, and not drain to the neighboring properties or the road. The following information must also be submitted along with the grading and drainage plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

It has not been demonstrated, as required for a variance, that denial of the requested floor area ratio variance would result in an unnecessary hardship. A hardship has been defined by the Wisconsin Supreme Court as a situation where compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. While it is unfortunate that the petitioner did not understand that lot area is calculated to the edge of the established road right-of-way, rather than to the actual purchased right-of-way, it is not unnecessarily burdensome to be limited to the maximum permitted floor area ratio of 10%, which will allow a total floor area of 10,646 sq. ft. Denial of a floor area ratio variance is also consistent with the previous Board of Adjustment action.

However, it would be unnecessarily burdensome to conform with the minimum offset of 100 ft. that

is required for a building used to board or house dogs and for the associated outdoor kennel runs, due to the triangular configuration of the lot. The property, which has been used as a commercial kennel since 1960, is an ideal site for a kennel because it is surrounded by the Kettle Moraine State Forest and any noise generated by the facility would not adversely impact any residential areas. Therefore, the approval of a variance to remodel a non-conforming structure in excess of 50% of its fair market value and of a variance from the offset requirement, with the recommended conditions, is not contrary to the public interest and is in conformance with the purpose and intent of the Ordinance.

BA06:045 SKIPPER MARINE DEVELOPMENT

Mr. Judson *I make a motion to approve the request in accordance with the staff's recommendation, as stated in the Staff Report, with the conditions recommended in the Staff Report.*

The motion was seconded by Mr. Schultz and carried unanimously.

The staff's recommendation was for approval of the request for a variance from the height limitations of the Waukesha County Airport Height Limitation Ordinance, to permit a temporary crane to be used in the construction of a boat storage building on the site of a boat sales, service, and storage facility known as Skipper Bud's, subject to compliance with the conditions set forth in the Aeronautical Study with a "Determination of No Hazard to Air Navigation" that was issued by the Federal Aviation Administration (FAA) on June 5, 2006 (Conditions No. 1 - 4 listed below) and with a fifth condition, as requested by the Waukesha County Airport Manager. The recommended conditions of approval are as follows:

1. The height of the crane shall not exceed 104 ft. above ground level (1004 feet above mean sea level).
2. The crane shall be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 Chg 1, Obstruction Marking and Lighting, marked - Chapters 3 & 12.
3. The Air Traffic Control Tower must be contacted at (262) 970-4792, prior to erecting the crane, with continued contacts as may be requested.
4. The crane shall be lowered at night and during period of low visibility.
5. At least three (3) days prior to lifting the crane, contact names and phone numbers, as well as an operating schedule, must be provided to Keith Markano, Airport Manager, or Michael Neau, Assistant Airport Manager. Keith Markano or Michael Neau can be contacted at (262) 521-5250.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, with the recommended conditions, will allow the temporary use of a crane in a manner that will not be a hazard to the safe operation of aircraft and will allow the boat storage building to be constructed as proposed. The approval of this request, with the recommended

conditions, will protect the people living in the vicinity of the Waukesha County Airport and the aircraft taking off from or landing at the Waukesha County Airport, which is in conformance with the purpose and intent of the Waukesha County Airport Height Limitation Ordinance.

BA06:036 ROBERT QUADRACCI

Mr. Bartholomew I make a motion to approve the staff's recommendation, as stated in the Staff Memorandum, for the reasons stated in the Staff Memorandum.

The motion died for lack of a second.

Mr. Ward I make a motion to adopt the staff's recommendation regarding the proposed residential remodeling and expansion, as set forth in the Staff Memorandum, dated June 28, 2006. I also move to adopt the staff's recommendation regarding the proposed detached garage, as set forth in the Staff Memorandum, dated June 28, 2006, with Condition No. 3 changed to read "The detached garage must be located as proposed by the petitioner in Proposal No. 3."

The motion was seconded by Mr. Bartholomew and carried with four yes votes. Mr. Schmidt voted no.

The staff's recommendation regarding the proposed residential remodeling and expansion was for approval of variances to remodel a non-conforming structure in excess of 50% of its fair market value and from the shore and floodplain setback requirements, subject to the following conditions:

1. The proposed additions to the residence shall be no closer to the shore or floodplain than the existing residence.
2. Prior to the issuance of a Zoning Permit, a stake-out survey showing the location of the proposed additions, and decking, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
3. Prior to the issuance of a Zoning Permit, the Environmental Health Division must certify that the existing septic system is adequate for the proposed construction, or a sanitary permit for a new waste disposal system must be issued and a copy furnished to the Planning and Zoning Division staff.
4. If any changes to the existing grade are proposed, a detailed grading and drainage plan, showing existing and proposed grades and any proposed retaining walls, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. This is to ensure the construction of the proposed additions does not result in adverse drainage onto adjacent properties. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road. The following information must also be submitted along with the grading and drainage plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures

and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage. This grading plan may be combined with the survey required in Condition No. 2.

The staff's recommendation regarding the proposed detached garage was for denial of the request for variances from the offset and floor area ratio requirements and denial of a special exception from the accessory building floor area ratio, but approval of variances from the road setback and building height requirements, subject to the following conditions:

1. Lot 1, Florencetta Heights, and the adjacent property, owned by the petitioner, must be combined by a Certified Survey Map. The Certified Survey Map will need to be approved by the Town of Merton and the Waukesha County Planning and Zoning Division Staff, and recorded in the Waukesha County Register of Deeds office, prior to the issuance of a Zoning Permit.
2. Prior to the issuance of a Zoning permit, the Environmental Health Division must certify that the existing septic system is adequate for the proposed construction, or a sanitary permit for a new waste disposal system must be issued and a copy furnished to the Planning and Zoning Division staff.
3. The detached garage must be a minimum of 10 ft. from the road right-of-way and must conform with the offset requirements of the Ordinance, as measured to the outer edges of the walls, provided the overhangs do not exceed two (2) ft. in width. If the overhangs exceed two (2) ft. in width, the building must be located so that the outer edges of the overhangs conform with the setback requirements.
4. No vegetation shall be removed from the property without a cutting plan being approved from the Planning and Zoning Division and, if applicable, a Shoreland Cutting Zoning Permit being issued.
5. Prior to the issuance of a Zoning Permit, a stake-out survey showing the location of the proposed garage, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
6. A detailed grading and drainage plan, showing existing and proposed grades and any proposed retaining walls, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. This is to ensure the construction of the proposed garage does not result in adverse drainage onto adjacent properties. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road. The following information must also be submitted along with the grading and drainage plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage. The location of all downspouts and the location of all proposed impervious surfaces must be also be shown on the plan. This grading plan may be combined with the survey required in Condition No. 5.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

With the two lots combined by Certified Survey Map, the petitioner will no longer need a variance from the offset, and floor area ratio requirements, nor a special exception from the accessory building floor area ratio requirements of the Ordinance. The staff feels that the revised dimensions and location of the proposed garage as provided in Proposal No. 3 will be the most appropriate for the property in question. Although the garage will still have to be built into the hill, only the northwest corner will have to be substantially exposed and the petitioner is not proposing to change the existing grades on the north side of the garage which is the most environmentally sensitive. In order to maintain the existing grades, the petitioner needs relief from the building height requirements of the Ordinance. Therefore, it is reasonable to grant a variance from the building height requirement of the Ordinance. The proposed garage will be located 21.3 ft. from the road right-of-way. As conditioned, the garage could be moved as close to 10 ft. from the road right-of-way. The petitioner should consider bringing the northwest corner of the garage further south to make the location of the garage parallel to the slope and reduce the amount of the exposure on the north side of the garage. The road curves away from the subject property and the location of the proposed garage will not hinder traffic or sight lines. Therefore, it is reasonable to grant a variance from the road setback requirements of the Ordinance for the proposed garage.

The existing residence is a substantial structure and due to the steep, heavily vegetated slopes it would be very detrimental to the property to require the existing residence to be removed and reconstructed in a more conforming location. Therefore, it is reasonable to grant a variance from the remodeling a non-conforming structure in excess of 50% of its fair market value requirements of the Ordinance. Although the existing residence does not meet the shore and floodplain setback requirements, the residence is located approximately 35 above the shoreline. The proposed additions will be no closer to the shore and the floodplain than the existing residence. The approval of this request would not be contrary to the public interest. Therefore, the approval of this request would be in conformance with the purpose and intent of the Ordinance.

BA06:040 PAUL AND NICHOLE THUSIUS

Mr. Schultz

I make a motion to adopt the staff's recommendation, as stated in the Staff Report, but modified to approve the requested accessory building height variance. The recommended Condition No. 4 shall be changed to read as follows:

"The height of the garage may be as proposed, with a 7/12 roof pitch and a height, as measured from the floor to the peak of the roof, not to exceed 15.6 ft.

The reason for this modification is that the requested accessory building height variance is minimal and will allow the garage to be constructed with standard roof trusses and still have a roofline that matches the roofline of the residence.

The motion was seconded by Mr. Bartholomew and carried unanimously.

The staff's recommendation was for denial of a building height variance, but approval of variances from the offset and open space requirements and of a special exception from the accessory building floor area ratio requirement, to permit the replacement of a storage shed with a detached garage, subject to the following conditions:

1. The west wall of the garage must be at least 7 ft. from the west lot line, as platted. This will place it approximately 4 ft. from the "possible lot line" as indicated on the Plat of Survey prepared by Mark Powers on February 24, 2006.
2. The overhang on the west side of the garage shall not exceed eighteen inches in width.
3. The dimensions of the garage may be changed if necessary in order to conform with Condition Number 1, but the footprint of the garage shall not exceed 576 sq. ft.
4. The garage must contain only one story and it must conform with the height requirement of the Ordinance, i.e. the height of the garage, as measured from the floor to the peak of the roof, must not exceed 15 ft.
5. Prior to the issuance of a Zoning Permit, a complete set of plans for the garage, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
6. Prior to the issuance of a Zoning Permit, a stake-out survey showing the location of the proposed garage, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
7. If any changes to the existing grade are proposed, a detailed grading and drainage plan, showing existing and proposed grades, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. This is to ensure the construction of the garage does not result in adverse drainage onto adjacent properties. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property and not drain to the neighboring properties or the road. The following information must also be submitted along with the grading and drainage plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage. This grading plan may be combined with the Plat of Survey required in Condition Number 6.
8. Prior to the issuance of a Zoning Permit, the Environmental Health Division must certify that the "Preliminary Site Evaluation" done in August, 2005, is still valid for the proposed garage.
9. The existing 10.3 ft. x 18.4 ft. shed must be removed, as proposed. It cannot be relocated to another location on the property.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

Variances require a demonstration that denial of the variance would result in an unnecessary hardship. A hardship has been defined by the Wisconsin Supreme Court as a situation where compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Denial of a building height variance would not prevent the property from being used for the permitted purpose of single-family residential use and it would not be unnecessarily burdensome, since a garage could be constructed with a conforming height of 15 ft., as measured from the floor to the peak of the roof. Therefore, it would not be in conformance with the purpose and intent of the Ordinance to approve a building height variance.

However, hardships exist with respect to the open space and offset requirements. It is impossible to conform with the minimum open space requirement of 15,000 sq. ft. when the total lot area is only 10,468 sq. ft. Due to the location of the residence, a two-car garage located in conformance with the offset requirement would not be fully accessible. The proposed 24 ft. x 24 ft., 576 sq. ft. garage is not excessive in size and it will not adversely affect the surrounding neighborhood or be contrary to the public interest. Finally, locating the garage, as recommended, will result in an acceptable offset distance should the "possible lot line" indicated on the Plat of Survey prepared by Mark Powers on February 24, 2006, ever become the actual lot line. Therefore, the approval of variances from the offset and open space requirements and a special exception from the accessory building floor area ratio requirement, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

OTHER ITEMS REQUIRING BOARD ACTION:

BA05:081 TODD WHITTAKER

This request for clarification and possible reconsideration of the conditions of approval of variances granted on October 26, 2005, was not discussed. It will be re-scheduled for the next Board of Adjustment meeting, which will be on July 12, 2006.

ADJOURNMENT:

Mr. Walter Schmidt

I move to adjourn this meeting at 9:10 p.m.

The motion was seconded by Mr. Schultz and carried unanimously.

Respectfully submitted,

Mary E. Finet
Secretary, Board of Adjustment